

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

DAVID A. SMILEY,	)	
	)	
Plaintiff,	)	
	)	C.A. No. 1:07-005-SLR
v.	)	
	)	
DAIMLER CHRYSLER,	)	JURY TRIAL DEMANDED
	)	
Defendant.	)	
	)	

**APPENDIX TO DEFENDANT CHRYSLER LLC'S  
RESPONSE BRIEF IN OPPOSITION TO PLAINTIFF'S OPENING BRIEF**

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*Attorneys for Defendant Chrysler LLC*

Dated: June 2, 2008  
867041 / 31959

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

DAVID A. SMILEY,	)	
	)	
Plaintiff,	)	
	)	C.A. No. 1:07-005-SLR
v.	)	
	)	
DAIMLER CHRYSLER,	)	
	)	
Defendant.	)	
	)	

**SECOND AFFIDAVIT OF STEVE HEITZMANN**

STATE OF DELAWARE            )  
  ) ss.  
COUNTY OF NEW CASTLE    )

I, Steve Heitzmann, being duly sworn this 30<sup>th</sup> day of May, 2008, do depose and say:

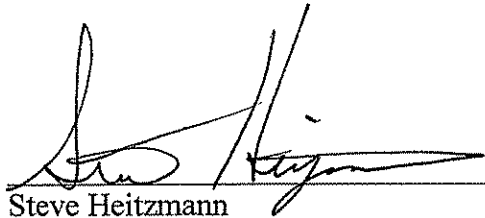
1. My name is Steve Heitzmann. I am currently employed by Chrysler LLC ("Chrysler") as the Human Resources Manager for the Newark Assembly Plant. As the Human Resources Manager, I am responsible for the administration and enforcement of various employee policies, including the substantiation policy. I also oversee employee discipline and training. I supervise the Personnel Department. I also have responsibility over the Plant Safety Department, and I am involved in employee relations, including interpretation and administration of the Collective Bargaining Agreement. I have been employed with Chrysler for 22 years.

2. I recently instructed the nurse in the Plant Medical Department to retrieve all reinstatement-related documents contained in the medical file of David A. Smiley, the

plaintiff in this case. Mr. Smiley's medical file is maintained in Chrysler's Plant Medical Department at the Newark Assembly Plant.

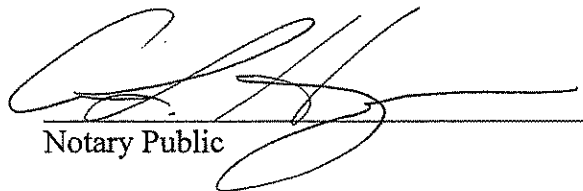
3. Mr. Smiley's medical file contains four original doctor's notes from the 2000 to 2004 time period. I can tell that these notes are originals because they are handwritten in pen on notepads bearing doctor's office letterhead. Mr. Smiley's file does not include any original doctor's notes from the period February to May 2005.

4. I also understand that Mr. Smiley claims he was not compensated for lost time or travel expenses for his physical therapy visits. These issues pertain to the administration of his worker's compensation claim. Neither the PQX Placement Committee nor the Human Resources Generalists in Chrysler's Personnel Department are responsible for the administration of worker's compensation benefits or payments such as those Mr. Smiley references.

  
Steve Heitzmann

5/30/08  
Date

SWORN TO AND SUBSCRIBED before me the day and year above written.

  
Notary Public

AARON L. HYNSON  
NOTARY PUBLIC  
STATE OF DELAWARE  
My commission expires Sept. 27, 2009

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**Jennifer C. Wasson**  
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May 1, 2008

**VIA OVERNIGHT MAIL**

David A. Smiley  
814 Village Circle, Apartment B  
Newark, Delaware 19713

**Re: Smiley v. DaimlerChrysler**  
**C.A. No. 1:07-005-SLR**

Dear Mr. Smiley:

Thank you for coming to my office on April 21, 2008 to comply with Chrysler's request to inspect your original documentation relating to the above-referenced case. During that meeting, you did not produce original copies of doctor's notes in your possession dated prior to your termination. You agreed to look for additional documents in your storage files and let me know if you could produce any of the original notes. Since I have not heard from you, I assume that you no longer have these original documents in your possession. If that assumption is incorrect, please contact me as soon as possible so that we can schedule a time to review and inspect these documents. If I do not hear from you within the next week, I will assume that you no longer have the originals.

Thank you for your assistance and cooperation.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jm C Wasson".

Jennifer C. Wasson

JCW:nt  
862663 / 31959

**B3**

**CERTIFICATE OF SERVICE**

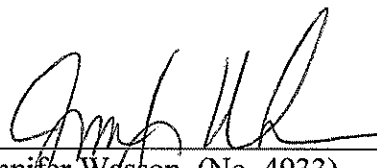
I hereby certify this 2<sup>ND</sup> day of June, 2008, that a true and correct copy of the foregoing **APPENDIX TO DEFENDANT CHRYSLER LLC'S RESPONSE BRIEF IN OPPOSITION TO PLAINTIFF'S OPENING BRIEF** was electronically filed with U.S. District Court District of Delaware via CM/ECF (Official Court Electronic Document Filing System) which will send notification of such filing that the document is available for viewing and downloading via CM/ECF to the following counsel of record:

Joseph J. Rhoades , Esq.  
A. Dale Bowers, Esq.  
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And one (1) true and correct copy sent to the following in the manner indicated:

**FIRST CLASS, U.S. MAIL, POSTAGE PREPAID**

David A. Smiley, *pro se*  
814 Village Circle, Apt. B  
Newark, DE 19713

  
\_\_\_\_\_  
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